IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.860 OF 2006

Mrs. Inderjit Bal ... Petitioner

V/s.

The Borivli Education Society and ors. ... Respondent

Mr. M.P. Vashi for the petitioner.
Mr. Yogesh P. Yagnik with Mr. H.V. Kode for respondent Nos. 1 to 3.
Mrs. S. Ajitkumar for respondent No.4.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 02nd May, 2006

P.C.

. Rule. Heard forthwith.

2. An objection was raised by the respondent that an appeal lies under provisions of MEPS Act. Our attention was invited by the petitioner to the judgment of this Court in the case of Rita v/s Headmistress, V.M.E.P. School (2002[3] Mh.L.J. 57) wherein a similar issue was raised. The learned Division Bench had held that primary schools recognised by the Municipal Corporation would not be covered by MEPS Act. We have no reason to take a view different than the view taken by the learned Division Bench.

3. Once that be the case what will be applicable is the Grant-In-Aid Code for primary schools under Municipal Corporation of Greater Mumbai. In the instant case the petitioner has been reverted by the respondent management. We have perused the provisions of Grant-In-Aid Code. We find that there is no provision for reversion. In the matter of punishment after enquiry is held in terms of rule 15, there is only power to terminate. Under rule 14, there is also power to terminate. Rule 16 confers power to suspend. In the instant case, there was no power conferred on the Management to revert the petitioner.

4. In the light of that petition made absolute in terms of prayer clauses (a) & (b). We make it clear that, it will be open to the Management to take further steps in law for holding an enquiry on taking such other steps as they are entitled to.

5. With the above directions, petition stands disposed of.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]